

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Office Action dated 7 July 2005. Responsive to that Office Action, Claim 6 is now cancelled, and Claims 1, 2, 5 and 7 are amended for further prosecution with the other pending Claims. With such amendment of Claims, there is a further clarification of the pending Claims' recitations.

In the Office Action, the Examiner stated that if Claim 5 would be found allowable, Claim 6 would be objected to under 37 C.F.R. § 1.75 as being a substantial duplicate thereof. However, this objection is obviated by the canceling of Claims 6 by this Amendment.

In the Office Action, the Examiner rejected Claims 5-9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response to this rejection, Claims 5 and 7 have been amended and now particularly points out and distinctly claims the subject matter which Applicant regards as the invention. Additionally, Claim 6 has been canceled by this Amendment.

In the Office Action, the Examiner rejected Claims 1, 5 and 6 under 35 U.S.C. § 102 as being anticipated by the admitted prior art Fig. 5. The Examiner, however, merely objected to Claims 2-4 and 7-9 as being dependent upon a rejected base claim, but indicated that the Claims would be allowable if rewritten

in independent form to include all of the limitations of the base and any intervening claims.

Accordingly, Claim 2 is now rewritten into independent form including of the limitations of the base claim, Claim 1. Additionally, Claim 7 is now rewritten into independent form including all of the limitations of the base claim, Claim 6, with Claim 6 being canceled. Thus, Claims 2 and 7 are believed to be allowable, as well as Claims 3-4 and 8-9 which depend respectively therefrom.

Before discussing the prior art relied upon by the Examiner, it is believed beneficial to briefly review the subject as now more clearly recited in newly-amended Claim 1. Claim 1 is directed to a bicycle rack comprising two tubes, each of which have a rod extending from a first end respectively and two stretch links connected between them. There is a clamp mechanism connected to each rod. Two retainers are connected to two respective insides of the two tubes and are located at two respective second ends of the two tubes. Additionally, the two retainers each have a recess adapted to clamp a frame with a connection sphere. As now more clearly recited, there is an engaging member pivotably connected to one of the two tubes.

In contradistinction, the admitted prior art, Figure 5 of the subject Patent Application, does not disclose the full combination of such features. For example, it nowhere discloses any engaging member pivotably connected to one of two tubes of the type claimed. The admitted prior art teaches clamp members 73

which are clearly different in structure and function from elements such as those recited in amended Claim 1. Thus, it is believed that the prior art of Figure 5 fails to disclose the full combination of features as recited in newly amended Claim 1 and therefore Claim 1 is believed to be allowable over the cited prior art. Additionally, Claim 5 is ultimately dependent upon newly amended independent Claim 1 and is believed to be at least patentably distinct for the same reasons as independent Claim 1.

The references cited by the Examiner but not used in the rejection are believed to be further remote from the subject invention when patentability considerations are taken into account.

It is now believed that Claims 1-5 and 7-9 are in allowable form. It is respectfully submitted, therefore, that the subject Patent Application has now been placed fully in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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